

### REMARKS

In response to the office action dated July 2, 2008, Applicants have amended claims 1, 10, 13, 14, and 17 and the specification, withdrawn claims 23-25, and added new claims 26-29. Claims 1-14, 17-22, and 26-29 are presented for examination.

Initially, Applicants note with appreciation the Examiner's indication that the compounds of formula (I) directed to the elected group are allowable over the prior art.

### Objections

The Examiner indicates that the application does not contain an abstract and requests Applicants to provide an abstract on a separate sheet. Applicants have amended the specification to include the abstract and have enclosed herewith a separate sheet including the abstract.

The Examiner objects to claims 1-14 and 17-22 as containing non-elected subject matter. Applicants have amended claim 1 to obviate this objection.

Accordingly, Applicants request reconsideration and withdrawal of these objections.

### Rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph

Claims 13 and 17 are rejected as being indefinite on two grounds, each of which is traversed below:

(1) The Examiner points out that "[i]n claim 13, step b on page 7, line 2, the term ---- in presence of NaBH(OAc)<sub>3</sub> in the presence of a ---- is vague [and] indefinite since its actual intent is not clear." Applicants have replaced the phrase "in the presence of" after "NaBH(OAc)<sub>3</sub>" with "and."

(2) The Examiner asserts that "[i]n claim 17, specific disease conditions mediated by specific chemokine receptors are not defined." Applicants do not necessarily agree with the Examiner's assertion. However, in the sole interest of expediting prosecution, Applicants have replaced the phrase "a chemokine mediated disease state" with a specific disease condition, i.e., an obstructive disease of airways.

Accordingly, Applicants request reconsideration and withdrawal of these indefiniteness rejections.

Rejection under 35 U.S.C. §112, 1<sup>st</sup> paragraph

Claims 1-14 and 17-22 are rejected as being not enabled on two grounds, each of which is traversed below:

(1) The Examiner asserts that claims 1-14 and 17-22 are not enabled because “there is no teaching or guidance present in the specification for preparing any specific solvates.” Applicants do not necessarily agree with the Examiner’s assertion. However, in the sole interest of expediting prosecution, Applicants have removed the term “solvate,” all occurrences, from claims 1, 14, and 17.

(2) The Examiner asserts that claim 17 is not enabled because “it would require undue experimentation to demonstrate efficacy of instant compounds in known animal models of every known disease condition which is mediated by chemokines ....” As discussed above, Applicants have replaced the phrase “a chemokine mediated disease state” with a specific disease condition, i.e., an obstructive disease of airways. The specification already provides general guidance and specific examples on how to prepare compounds of formula (I). *See, e.g.*, page 10, line 24 to page 14, line 22 and Examples 1-83. It also provides *in vitro* and *in vivo* data demonstrating that compounds of formula (I) are antagonists of CCR3 receptor and H1 receptor. *See, e.g.*, Examples 84-87. Further, the specification teaches that H1 receptor antagonists can decrease itching and sneezing and can be used to treat allergic disorders, such as rhinitis, an obstructive disease of airways. *See* page 1, lines 15-21. It also teaches that chemokines play an important role in immune and inflammatory responses in various diseases and disorders, including asthma (i.e., an obstructive disease of airways) and allergic diseases (which include obstructive diseases of airways), and that antagonists of CCR3 receptor (i.e., a G protein-coupled receptor that mediates the actions of chemokines) can be used to treat these diseases and disorders. *See* page 1, line 22 to page 2, line 13. Thus, one skilled in the art, in view of the teachings provided in the specification, would readily understand how to make compounds of formula (I) and use them to treat an obstructive disease of airways recited in claim 17 without undue experimentation. Applicants therefore submit that claim 17, as amended, is enabled by the specification.

Accordingly, Applicants request reconsideration and withdrawal of these enablement rejections.

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CONCLUSION

Applicants submit that the grounds for the rejection asserted by the Examiner have been overcome and that all claims are now in condition for allowance, which action is requested.

Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No. 06275-0471US1.

Respectfully submitted,

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